

Appl No 10/627,504
Art Unit 1712 Docket No.: B03-50
Reply to Office Action of January 18, 2006

REMARKS

Claims 1-20, 22-26, and new claims 27 and 28 appear in this application for the Examiner's review and consideration.

Claim 1 has been amended to recite that the reaction product is a polyurea, that the cover layer comprises an inner and outer cover, and that the stabilizer package is present in the outer cover layer. Support for the amended element(s) is found in the Specification and in original claims 23 and 24.

Claim 26 has been amended to recite that the UV absorber is a benzoate having a specific formula where R₂ is, specifically, a hydroxy(alkylether)amino group.

Claims 23 and 24 have been cancelled without prejudice to Applicants' right to file one or more continuing applications directed to any subject matter not presently claimed.

No new matter has been added by these amendments and additions.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-20, 24, and 26 were rejected under 35 U.S.C. § 103(a) as being obvious over Peter '313 in view of Dexter '431 or the Chu article. Additionally, claims 1-20, 22-24, and 26 were rejected under 35 U.S.C. § 103(a) as being obvious over Dewanjee '929 in view of Dexter '431 or the Chu article.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Peter, Dexter, and Chu, alone or in combination, fail to disclose or suggest a color stabilized polyurea reaction product, or its location in the outer cover layer portion of a double cover (inner cover layer + outer cover layer), as now recited in independent claim 1 of the present invention. Peter barely mentions how to construct a golf ball and, what limited disclosure exists is apparently directed to a simple two-piece golf ball. Dexter and Chu do not disclose golf balls or their specific construction. Peter, Dexter, and Chu, alone or in

Appl. No. 10/627,504
Art Unit: 1712 Docket No.: B03-50
Reply In Office Action of January 18, 2006

combination, also fail to disclose or even suggest a benzoate UV absorber having a specific formula where R₂ is a hydroxy(alkylether)amino group, as recited in independent claim 26 of the present invention. The compounds disclosed in Dexter would specifically preclude (*i.e.*, teach away) one of ordinary skill in the art from being led in that direction.

Additionally, as above, Dewanjee, Dexter, and Chu, alone or in combination, fail to disclose or suggest a color stabilized polyurea reaction product, or its location in the outer cover layer portion of a double cover (inner cover layer + outer cover layer), as now recited in independent claim 1 of the present invention, and a benzoate UV absorber having a specific formula where R₂ is a hydroxy(alkylether)amino group, as recited in independent claim 26 of the present invention. Dewanjee is directed to a wound golf ball and neither Dexter nor Chu disclose alternative golf ball constructions or golf balls at all. Dexter and Chu also teach away from the preferred stabilizer recited in claim 26 of the present invention.

For at least the above reasons, the rejections under 35 U.S.C. § 103(a) are believed to have been overcome. Applicants respectfully request reconsideration and withdrawal thereof.

Obviousness-Type Double Patenting

Claims 1-20 and 22-26 were rejected under the judicially-created doctrine of obviousness type double patenting over claims 1-26 of co-pending U.S. Patent No. 6,949,595. Applicants respectfully disagree with the reasoning of the rejection but, in an effort to further prosecution of the above-captioned application, are concurrently filing a terminal disclaimer.

CONCLUSION

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

MAY-18-2006 16:11 From:

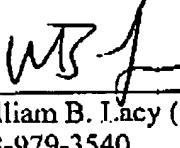
To: USPTO

P.9/13

Appl. No. 10/627,504
Art. Unit: 1712 Docket No.: B03-50
Reply to Office Action of January 18, 2006

A fee of \$120.00 for the two-month extension of time and a few of \$130.00 for the terminal disclaimer is believed to be due for this submission. Should any other required fees be due, however, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



William B. Lacy (Reg. No. 48,619)
508-979-3540

Customer Number: 40990

Date: May 18, 2006

Page 8 of 8

PAGE 9/13 * RCVD AT 5/18/2006 4:53:45 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/17 * DNIS:2738300 * CSID: * DURATION (mm:ss):03:48

BEST AVAILABLE COPY